

Office Memorandum • UNITED STATES GOVERNMENT

TO : Acting Chief, Personnel Division

DATE: 16 November 1950

FROM : Chief, Personnel Relations Branch

OGC Has Reviewed

SUBJECT: Application of Executive Order 10180

REFERENCES: Supplemental Appropriation Act of 1951 (Public Law 843),
Civil Service Commission Departmental Circulars 638 and 641,
Executive Order 10180 dated 13 November 1950.

STATINTL

In reference to our previous discussions as to the effect of the above law, Civil Service regulations and the Executive Order upon Agency personnel actions, the matter has been discussed with Messrs. Houston, Kelley [redacted] of the Legal Staff. The circulars change personnel actions taken after 2 September 1950 and are based upon section 1302 of the law. These changes provide that on and after 2 September 1950 all inter-agency transfers, reinstatements and promotions are to be made on a temporary indefinite basis. Original appointments, in most cases, are to be made on such basis as well. The personnel actions taken under such rules would, with certain exceptions, take the employee out from under the Civil Service Retirement Act and place him under the Social Security System. The effect of such changes from a security standpoint is pointed out in the attached letter of 19 October 1950 from the Acting Executive to the Bureau of the Budget.

It is Mr. Houston's opinion, as a result of his study and discussion he and the Director of Personnel have had with the Civil Service Commission, that we can be exempted from the provisions of these changed rules through the terms of the Executive Order. Section I (a) of Executive Order 10180 states in part "Provided, that permanent appointments are authorized whenever, in unusual circumstances, the Civil Service Commission for positions in the competitive service, or the head of the agency concerned for positions outside the competitive service, determines that permanent appointments are in the interest of the Government".

It appears from this section that under it's terms there is sufficient latitude to have us excepted, either by action of the Civil Service Commission or by decision of the Director, CIA. I understand that Mr. Houston and Mr. William Kelly will take the problem up immediately and give us the answer in the very near future.

Questions that may arise as a result of changed rules:

1. Section 2 of Executive Order 10180 gives the Civil Service Commission authority to prescribe regulations governing the release of employees and the granting of reemployment rights. It is probable

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that questions will arise in the future as to reemployment rights of certain of our employees who may transfer to other agencies directly concerned with the present emergency program. I believe that a priority list will be established by the Bureau of the Budget and suggest that steps be taken to include CIA in the group having the highest priority so as to prevent loss of our personnel to other agencies and corresponding reemployment rights with us when the time comes for them to return here.

2. Questions are arising as to the type of appointment given a new employee who is replacing a former employee inducted into the armed forces or called to active duty from a reserve status. I believe that such appointments should be limited to the extent that the appointment papers will clearly show that duration of such appointment is conditioned upon the return to duty of the original incumbent. I believe that this would serve to prevent difficulties in the future when we may have returning veterans who must be restored and have fewer vacancies in which to place them than at present. If such limitation is placed upon these appointments the job of separating such employees will be less difficult than should we not limit their appointments.

STATINTL

